

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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JAMES ROBERT BROSNAN AS EXECUTOR OF
THE ESTATE OF STEPHEN M. BROSNAN and
KEVIN C. HUSTON,

CIVIL ACTION NO:
1:19-cv-00860 (LEK/CFH)

Plaintiffs,
-against-

**STIPULATION OF
SETTLEMENT AND
PARTIAL DISMISSAL**

MAUREEN E. ROBERTS and KATHERINE M.
ROBERTS,

Defendants.
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WHEREAS, this action was commenced by Summons and Complaint on July 17, 2019,
for alleged personal injuries sustained by plaintiffs on or about October 23, 2017.

WHEREAS, Plaintiff Stephen Michael Brosnan died July 14, 2020;

WHEREAS, JAMES ROBERT BROSNAN, his brother, petitioned the Court to be
appointed Executor of his Estate, through a petition filed with the Surrogates Court, State of
North Carolina, County of Buncombe, Index Number: 2020E 001256;

WHEREAS, JAMES ROBERT BROSNAN was appointed Executor of the Estate on
August 14, 2020 (Unlimited Letters Testamentary attached hereto as "**Exhibit A**");

WHEREAS, James Robert Brosnan, as Executor of the Estate of Stephen M. Brosnan,
was substituted as plaintiff on behalf of Steven Michael Brosnan by Stipulation and Order dated
December 4, 2020 (Doc. 22);

WHEREAS, at a settlement conference held on February 10, 2021, the parties agreed to a
settlement of that portion of the personal injury action associated with the claim of JAMES

ROBERT BROSNAN AS EXECUTOR OF THE ESTATE OF STEPHEN M. BROSNAN for the sum of \$85,000.00.

NOW THEREFORE,

IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel that the claim of Plaintiff, JAMES ROBERT BROSNAN AS EXECUTOR OF THE ESTATE OF STEPHEN M. BROSNAN will be partially dismissed pursuant to Rule 41 (a) of the Federal Rules of Civil Procedure, with prejudice, upon the following terms.

1. The execution by JAMES ROBERT BROSNAN AS EXECUTOR OF THE ESTATE OF STEPHEN M. BROSNAN of a General Release for Bodily Injury, relieving defendants from any and all claims, liabilities and causes of action related to or arising out of any and all of the events set forth in the complaint in the above-captioned action.
2. In return for the execution of the General Release for Bodily Injury, Defendants will provide a check payable to Plaintiff's attorney jointly with the Estate of Michael Brosnan in the sum of \$85,000.00.
3. This conditional stipulation and partial dismissal will become a final partial dismissal within 30 days of execution by the Court, unless a party submits an application for further extension to the Court.

4. Upon this conditional stipulation becoming final, pursuant to Rule 15 of the Federal rules of Civil Procedure, the parties hereby provide written consent, or seek the Court's leave, to amend the caption in this matter to reflect the removal of the estate plaintiff as follows:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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KEVIN C. HUSTON, CIVIL ACTION NO:
1:19-cv-00860 (LEK/CFH)


Plaintiffs,


-against-

MAUREEN E. ROBERTS and KATHERINE M.
ROBERTS,

Defendants.
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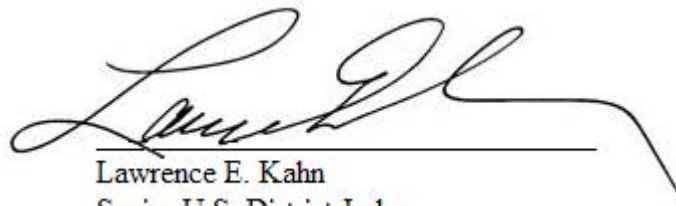
Dated: Bedford Hills, New York
February 23, 2021


LAW OFFICE OF GARY A. CUSANO PC
Attorney for Plaintiff
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OF THE ESTATE OF STEPHEN M.
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Attorneys for Defendants
MAUREEN E. ROBERTS and
KATHERINE M. ROBERTS
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Albany, New York 12205
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THE STIPULATION AND PARTIAL DISMISSAL IS SO ORDERED:

Dated: March 09, 2021


Lawrence E. Kahn
Senior U.S. District Judge

